



7/16/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

FELTS ET AL

FR000076

Serial No. 09/912,130

Group Art Unit: 2613

Filed: July 24, 2001

Examiner: Shawn S. An

VIDEO ENCODING METHOD USING A WAVELET DECOMPOSITION

Honorable Commissioner for Patents
Alexandria, VA 22313-1450
Mail Stop Petition

REQUEST FOR WITHDRAWAL
OF ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:

A Notice of Abandonment dated August 9, 2005, has been received stating that the above-identified application has been abandoned through failure to reply to the Office Action mailed January 12, 2005. Applicants' undersigned attorney respectfully submits that such Notice was issued erroneously, since a Response was timely filed (see attached copy of Response, Supplemental Appeal Brief, with facsimiled certificate of transmission) with the Patent and Trademark Office on February 17, 2005, and received by the PTO, as is shown by the attached copy of the Auto-Reply Facsimile Transmission bearing a received date of February 17, 2005.

Accordingly, Applicants respectfully request withdrawal of the Notice of Abandonment and the return of this application to "pending" status.

Applicants' undersigned attorney may be reached at the number given below.

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
Commissioner of Patents and Trademarks Alexandria, VA 22313	
Date:	<u>Aug. 18, 2005</u>
By:	<u>Elissa DeLucy</u>

Respectfully submitted,

By 
Russell Gross, Reg. 40,007
Attorney
(914) 333-9631



Auto-Reply Facsimile Transmission



TO: Fax Sender at 914 332 0615

Fax Information
Date Received: 2/17/2005 10:00:24 AM [Eastern Standard Time]
Total Pages: 6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover
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Feb-17-2005 11:05		From: PHILIPS ELECTRONICS IC3		914-332-0615		T-442 P.001/006 F-111	
				U.S. Serial No. 09/912,130 Atty. Docket No. FR000076 Page 1 of 6			
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES							
In re Application of		FR000076		Atty. Docket			
FELTS ET AL							
Serial No.: 09/912,130		Group Art Unit: 2613					
Filed: July 24, 2001		Examiner: Shawn S. An					
Title: VIDEO ENCODING METHOD USING A WAVELET DECOMPOSITION							
Commissioner for Patents Alexandria, VA 22313-1450							
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On: <u>Feb 17, 2005</u>							
By: <u>Chessa DeLucy</u>							
Sir:							
In response to the Office Action dated January 12, 2005,, the Appellant respectfully requests reinstatement of the Appeal. In the present Office Action, it is stated that a new ground of rejection has been made. Therefore, the Appellant respectfully exercises his right to request reinstatement of the Appeal, as allowed under 37 CFR 1.193(b)(2)(ii).							
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PAGE 110 * RCVD AT 2/17/2005 10:00:24 AM [Eastern Standard Time] * SVR:USPTO-EPXRP-1/1 * DNS:8726306 * CSID:914 332 0615 * DURATION (mm:ss):01:32							

Confirmation Report - Memory Send



Time : Feb-17-2005 11:08
Tel line : 914-332-0615
Name : PHILIPS ELECTRONICS ICS

Job number : 111
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Start time : Feb-17 11:06
End time : Feb-17 11:08
Pages sent : 006
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U.S. Serial No. 09/912,130
Atty. Docket No. FR000076
Page 1 of 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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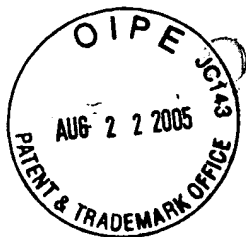
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☒ transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306
On: Feb. 17, 2005
By: Elissa Dr. Lucy

Sir:

In response to the Office Action dated January 12, 2005,, the Appellant respectfully requests reinstatement of the Appeal. In the present Office Action, it is stated that a new ground of rejection has been made. Therefore, the Appellant respectfully exercises his right to request reinstatement of the Appeal, as allowed under 37 CFR 1.193(b)(2)(ii).



U.S. Serial No. 09/912,130
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Page 1 of 6

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On: Feb. 17, 2005

By: Elissa DeLucy

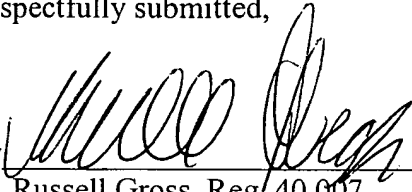
Sir:

In response to the Office Action dated January 12, 2005,, the Appellant respectfully requests reinstatement of the Appeal. In the present Office Action, it is stated that a new ground of rejection has been made. Therefore, the Appellant respectfully exercises his right to request reinstatement of the Appeal, as allowed under 37 CFR 1.193(b)(2)(ii).

The Commissioner is hereby authorized to credit any overpayment or charge any fee
(except the issue fee) to Account No. 14-1270.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Russell Gross", written over a horizontal line.

Russell Gross, Reg. 40,007

Attorney

(914) 333-9631



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On: Feb. 17, 2005

By: Eliisa DeLucy

SUPPLEMENTAL APPEAL BRIEF

Sir:

In order to supplement the Appeal Brief mailed October 8, 2005, please consider the following:

ARGUMENTS

Claims 1-2 now stand rejected under 35 USC 103(a) as being unpatentable over Pearlman et al. (U.S. Patent No. 6,671,413).

In order to make a proper obvious rejection under 35 U.S.C. 103, MPEP Section 706.02(j) requires that the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Further, either the references must expressly or impliedly suggest the claimed invention. Ex parte Clap, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)

In view of the above, it is respectfully submitted that Pearlman et al. neither teaches nor suggests all of the claim limitations. In particular, such features include “estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered”.

In addressing this feature in the above rejection, the Examiner now admits that Pearlman et al. does not disclose such a feature. However, it is then stated that it would be obvious to one skilled in the art to modify the determining part of Pearlman et al. with the estimation part to arrive at the present invention. In particular, the Examiner states that he regards the above feature as a calculation and that the determination in Pearlman et al. is also a calculation.

However, as previously described, Pearlman et al. only discloses determining whether each set is significant, in column 9, lines 27-37. Thus, even if you modify the determining part of Pearlman et al. with the estimation part, it still does not arrive at the present invention.

Further, the Applicant respectfully submits that the presently recited “estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered” cannot be properly construed as just a calculation. By making this statement the

Examiner is improperly arguing a broader scope of this feature in order to make the above rejection. In view of this, it is respectfully submitted that the presently recited “estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered” is distinguishable over Pearlman et al.

It is respectfully submitted that Pearlman et al. also neither teaches nor suggests “for the encoding of each bit, a context formed of d bits preceding the current bit and different according to the model considered for said current bit is used”, as recited in Claim 2.

In addressing this feature in the above rejection, column 11, lines 49-57, and column 12, lines 16-27, of Pearlman et al. is being relied on. However, in column 11, lines 49-57, Pearlman et al. only discloses further quantization and possibly entropy coding of a significance map using arithmetic coding with simple context-based models. Further, in column 12, lines 16-27, Pearlman et al. only discloses that the four subsets are not encoded separately.

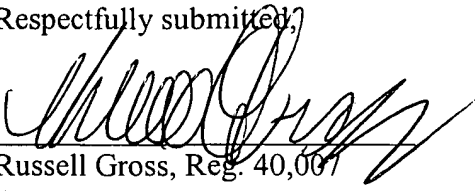
In view of the above disclosure, it is evident that Pearlman et al. does not disclose “for the encoding of each bit, a context formed of d bits preceding the current bit and different according to the model considered for said current bit is used”, as required by Claim 2. Therefore, it is respectfully submitted that this feature is also distinguishable over Pearlman et al.

In view of the above-described distinctions, the Appellant respectfully submits that the invention of Claims 1-2 is not made obvious by Pearlman et al. (U.S. Patent No. 6,671,413). Therefore, it is respectfully requested that the rejection be reconsidered and reversed.

The Commissioner is hereby authorized to credit any overpayment or charge any fee
(except the issue fee) to Account No. 14-1270.

Respectfully submitted,

By


Russell Gross, Reg. 40,007

Attorney

(914) 333-9631